IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTANENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 171 OF 2005

IN

PETITION NO. 219 OF 2001

Dinsha Shiavax Cambata .... Deceased

Rita Michelle Vorderer & ors... Petitioners

Versus

Mrs. Sheroo R. Bharucha & Anr.... Respondents

Mr. Snehal Shah with M. Yatin R. Shah for the petitioner
Mr. Avinash JOshi i/b M/.s Mulla & Mulla for Respondent no..1

CORAM; S.J. VAZIFDAR, J.

DATED; FEBRUARY 01, 2006.

P.C:

1. The respondent no.1 who is the executrix of the will of the deceased dated 19-10-1999 was discharged by the order dated 4-9-2003. Prior thereto by an order dated 3rd May 2001 ad-interim reliefs in terms of prayer clauses (a),(b) and (c) in Notice of Motion No.1103 of 2001 was granted. Pursuant to the order dated 3rd May 2001 respondent no.1 deposited various shares and other movable properties mentioned in her advocate's letter dated 3rd July 2001 (Exh.2 to the affidavit in support of the present Notice of Motion). Later of administration was issued by the order dated

26th October 2003 to the petitioners. In the circumstances, the Notice of Motion is made absolute in terms of prayer clause (a).

2. At the request of Mr. Shah the learned counsel appearing on behalf of the petitioner, the petitioners or any one or more of them or their constituted attorney one Sarosh Jal Contractor who has also filed an affidavit in support of the Notice of Motion shall be entitled to withdraw the assets referred to in prayer (a) to the Notice of Motion and to redeem the bond referred to in prayer clause (b) of the Notice of Motion.

3. All parties are directed to act on the copy of this order authenticated by the Associate/Personal Assistant of this court.

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